

PATENT

(Practitioner's Docket No. IN-556)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 28 2003

In re Application of:

Bernhard LETTMANN et al.

US Serial No.: 10/069,814

Filed: February 27, 2002

For: Mixed System For Producing Water-Dilutable Coating Agents

Group Art Unit: Not Assigned

Examiner: Not Assigned

I hereby certify that the following PAGES are being  
facsimile transmitted to the Patent and Trademark Office  
fax No.: (703) 872-9310 on the date shown below to  
Attn: PCT

*Sandra Barry*  
Sandra Barry

**COMMUNICATION FOR SUBMITTING THE ENGLISH TRANSLATION OF THE  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Hon. Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International Preliminary Examination Report for the above-mentioned patent application.

Applicant believes that no fee is required for submitting the English Translation of the International Preliminary Examination Report. However, if applicant has inadvertently overlooked the need for a fee the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 23-3425.

This form is submitted in triplicate.

Respectfully Submitted,

*Michael F. Morgan*  
Michael F. Morgan  
Registration No. 42,906

Date: June 12, 2002  
BASF Corporation  
26701 Telegraph Road  
Southfield, Michigan 48034-2442  
(248)-948-2355

Customer No. 26922

PATENT

(Practitioner's Docket No. IN- 5561 )

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Bernard LETTMANN et al

Serial No.: 10/069,814

Filed: February 27, 2002

For: Mixed System For Producing Water-Dilutable Coating Agents

Group Art Unit: not yet assigned

Examiner: not yet assigned

Assistant Commissioner of Patents  
Washington, D.C. 20231CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following PAGES are being facsimile transmitted to the Patent and Trademark Office fax No.: (703) 872-9310 on the date shown below.

(X)	Communication For Submitting the English Translation Of The International Preliminary Examination Report In Triplicate	03 Pages
(X)	English Translation Of The International Preliminary Examination Report	03 Pages
(X)	Certificate of Facsimile Transmission	01 Page
Total Pages		07 Pages

Date: June 12, 2002Sandra Barry

(Typed or printed name of person signing certification)

Sandra Barry  
Signature

(certificate of Facsimile Transmission [B-7])

OFFICIAL  
FAX RECEIVED  
JUN 12 2002  
GROUP 1700

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

3

Applicant's or agent's file reference <b>PAT99172PCT</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/EP00/08211</b>	International filing date (day/month/year) <b>23 August 2000 (23.08.00)</b>	Priority date (day/month/year) <b>07 September 1999 (07.09.99)</b>
International Patent Classification (IPC) or national classification and IPC <b>C09D 5/02, 7/14, B05D 7/00</b>		
Applicant <b>BASF COATINGS AG</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand <b>10 March 2001 (10.03.01)</b>	Date of completion of this report <b>05 December 2001 (05.12.2001)</b>
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/08211

I. Basis of the report

1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
pages 1-35, as originally filed  
pages, filed with the demand  
pages, filed with the letter of
- ☒ the claims:  
pages 1-10, as originally filed  
pages, as amended (together with any statement under Article 19  
pages, filed with the demand  
pages, filed with the letter of
- ☐ the drawings:  
pages, as originally filed  
pages, filed with the demand  
pages, filed with the letter of
- ☐ the sequence listing part of the description:  
pages, as originally filed  
pages, filed with the demand  
pages, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequences disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig. \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 00/08211

V Reasoned statement under Article 33(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6-7	YES
	Claims	1-5, 8-10	NO
Inventive step (IS)	Claims		YES
	Claims	6-7	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: DE-A-43 39 951 (BASF LACKE + FARBEN) 1 June 1995 (1995-06-01)

D2: EP-A-0 752 455 (BASF LACKE + FARBEN) 8 January 1997 (1997-01-08) &  
DE-A-41 10 520 1 October 1992 (1992-10-01), mentioned in the application.

D1 is prejudicial to the novelty (PCT Article 33(2)) of the subject matter of Claims 1-5 and 8-10 (cf. in particular the citations from the search report and e.g. column 1, line 36). The proportion of water in component A is 5-80%, preferably 10-70%. As is generally known, a numerical range for an already included numerical range is normally prejudicial to novelty.

The measures in Claims 6 and 7, carried out like those in D2 (loc cit), are of trivial importance for a combined system for colors. An inventive step is thus lacking (PCT Article 33(3)).

Industrial applicability is established (PCT Article 33(4)).